GOVERNMENT OF MYSORE.

[FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)]

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Swami Vivekananda Industries, No. 14, Haines Road, Bangalore-1.

Award of the Labour Court, Bangalore—Published.

Read the following papers :—

(1) Letter No. 670/67-68 dated 16th September 1967 from Shri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Dated this 16th day of September 1967.

Present :

Sri P. T. Kadkol, B.Sc., LL.B. ... *Presiding Officer.*

Reference No. 30 of 1967.

Sri. C. K. Gopalan, Welder, C/o Muniswamappa Building, Nagannapalyam, Maruthisevanagar P. O., Bangalore-5.

... *First Party.*

Vs.

The Management of Swami Vivekananda Industries, No. 14, Haines Road, Bangalore-1.

... *Second Party.*

Reference : Government Order No. LMA 660 LLD 66, dated 16th January 1967.

AWARD.

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the management of Swami Vivekenanda Industries, Bangalore have referred it to this Court for adjudication under Section 10 (1) (c) of the Industrial Disputes Act, 1947, by their Order No. LMA 660 LLD 66, dated

16th January 1967 setting out the following points of dispute for adjudication:—

"Whether the Management of Swami Vivekananda Industries, No. 14, Haines Road, Bangalore-1 is justified in terminating the services of Sri. C. K. Gopalan, Welder.

If not, what is the relief to which the workman is entitled?"

2. The aggrieved workman in this case is C. K. Gopalan. His cause has not been sponsored by any trade union or the other workmen. The reference has been made by Government presumably under Section 2-A of the Industrial Disputes Act, 1947. The workers are arrayed as the first party and the management of M/s. Swami Vivekanada Industries is arrayed as the second party in this proceeding.

3. In response to the notice issued by this Court the aggrieved workman C. K. Gopalan has submitted his statement of claims dated 18th March 1967 and the management of the second party has submitted its statement of objections dated 29th March 1967. On these pleadings some issues were framed and set down for hearing (*vide* Order sheet dated 22nd April 1967.)

4. According to the aggrieved workman, he was employed by the management of the second party and worked there from 13th February 1966 to 26th April 1966 and on the latter date his services were illegally terminated by the second party. According to the management of the second party, however, C. K. Gopalan was never in its employment.

5. When the matter came up before me on 17th July 1967 Mr. K. Gopalan representing the second party proposed that if the aggrieved workman Sri. C. K. Gopalan were to take a special oath touching the photo of Lord Venkateswara to the effect that the amount claimed by him represents wages for the work done by him, then he would pay him a sum of Rs. 100 in full and final settlement of the dispute. C. K. Gopalan accepted the offer. Accordingly, C. K. Gopalan took a special oath as proposed. Soon thereafter the parties submitted a joint memorandum of settlement marked Ex. A and the magnament of the second party paid a sum of Rs. 100 to the aggrieved workman Sri. C. K. Gopalan. The parties have asked me to make an award in terms of the

memorandum marked Ex. A. Considering the pleadings and the opening statements, I am of the view that the settlement as embodied in Ex.A. is quite fair and reasonable. Hence I accept it and proceed to make an Award as under:—

AWARD.

Reference is accepted. Award is made between the parties as per terms contained in the joint memorandum of settlement marked Ex. A which should be annexed to this Award and be deemed as forming part of it.

(Sd.) P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

"Copy"

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

BEFORE THE HONOURABLE LABOUR COURT AT BANGALORE.

Reference No. 30 of 1967.

C. K. Gopalan ... *I Party.*

Vs.

Management of Swamy Vivekananda Industries... *II Party.*

Both the parties abovenamed beg to report the following settlement and pray that this Hon'ble Court may be pleased to pass an Award in terms of the settlement.

Settlement.

1. The 2nd Party agrees to pay a sum of Rupees One Hundred only and further the 2nd party paid the amount of Rs. 100 in the open court to the 1st Party workman Sri C. K. Gopalan.

2. The 1st Party workman Sri. C. K. Gopalan has received this amount of Rs. 100 in full and final settlement of all his claims including his claim for earned wages, reinstatement, etc. The 1st Party agrees that this settlement is in full and final satisfaction of all his claims against the 2nd Party and this settlement terminates the employer and employee relationship between the 1st and the 2nd party.

3. Each party to bear their own costs.

17-7-1967
Bangalore.
(Sd.) Allampalli Venkataram
17-7-67

1st Party
(Sd.) C. K. Gopalan.
2nd Party
(Sd.) K. Gopalan

For the 1st Party Workman.
(President, Bangalore
General Labour Union)
Filed, Recorded and marked Ex. A.
Intd. P. T. K.
17/7/67.

"COPY"

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

ORDER

Bangalore, dated 23rd September 1967.

S. O. 1930.—WHEREAS by State Government Order No. LMA 660 LLD 66, dated 16th January 1967 the Industrial Dispute between the Workmen and the Management of Swami Vivekananda Industries, No. 14, Haines Road, Bangalore-1 was referred to the Labour Court, Bangalore for adjudication ;

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 660 LLD 66.]

By Order and in the name of the Governor of Mysore,

1170 G. G. PUROHIT, *Under Secy.*